

Military Equipment

706.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

706.1.1 DEFINITIONS

Definitions related to this policy include

Governing body – The elected or appointed body that oversees the Department.

Military equipment – means equipment that is "militaristic in nature" and is identified in Government Code Section 7071 (c) (1 - 15)

706.2 POLICY

It is the policy of the Menifee Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

706.3 MILITARY EQUIPMENT COORDINATOR

The Operations Division Captain or his designee will act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Menifee Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 1. Publicizing the details of the meeting.
 2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

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706.4 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment for the Department:

See attachment: AB481 Military Equipment List.pdf

706.5 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the prohibitions outlined in Government Code § 7071:

706.6 COORDINATION WITH OTHER JURISDICTIONS

The Menifee Police Department provides law enforcement services to the City of Menifee as well as providing mutual aid county wide.

Through the Association Riverside County Chiefs of Police and Sheriff's (ARCCOPS) mutual aid agreement, all cities within Riverside County have agreed to accept the use of each law enforcement agencies Military Equipment policy related to any enforcement action throughout Riverside County.

The Menifee Police Department also works in conjunction with the Murrieta and Hemet Police Departments to provide Special Weapons and Tactics services (S.W.A.T.) to the city of Menifee. This is done under the guidance of an approved and consolidated Memorandum of Understanding between the three cities.

706.7 USE IN EXIGENT CIRCUMSTANCES

In exigent circumstances and with the approval of the Chief of Police or his/her designee, the Police Department may acquire, borrow and/or use Military Equipment, from a neighboring law enforcement entity, that is not included in the Military Equipment Use Policy.

If the Police Department acquires, borrows, and/or uses Military Equipment in exigent circumstances, in accordance with this section, it must take all of the following actions:

- Provide written notice of that acquisition or use to the City Council within 30 days following the commencement of such Exigent Circumstance, unless such information is confidential or privileged under local, state or federal law.
- If it is anticipated that the use will continue beyond the Exigent Circumstance, submit a proposed amended Military Equipment Use Policy to the City Council within 90 days following the borrowing, acquisition and/or use, and receive approval, as applicable, from the City Council.
- Include the Military Equipment in the Police Department's next annual Military Equipment Report.

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706.8 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

706.9 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

Policy 706: AB481 Military Equipment List

Section One: Menifee Police Department Specialized Equipment Inventory

1. Unmanned Aircraft Systems (UAS/Drones)- CA Gov't Code §7070(c)(1)

Quantity Owned/Sought: Mavic 2 Enterprise, 4 owned

Lifespan: Approximately 5 years

Purpose/Capabilities/Description:

- Search and locate reported missing children or at-risk adults
- Search and rescue operations to locate lost or injured hikers
- A law enforcement specific application involving Aerial drones are used for open terrain or large field searches as a force-multiplier to assist in high-risk apprehensions of armed or violent suspects. Aerial drones can be used as an interior search tool to locate suspects barricaded inside a residence or commercial structure.
- Unmanned robotics have numerous applications and are used instead of personnel in high-risk environments to increase safety for law enforcement
- Gain visual/audio data and remotely clear buildings and structure

Fiscal Impacts: The initial costs of equipment, licensing, software and training was approximately \$40,000. Ongoing cost associated with remotely piloted aircraft/ground vehicles and maintenance is estimated to be approximately \$5,000 per year.

Legal/Procedural Rules Governing Use: Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations. The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

Training Required: Prior to piloting any UAS/Drone staff members must secure an FAA Remote Pilot License and complete all training required by our FAA COA.

2. Unmanned, remotely piloted, powered ground vehicles- CA Gov't Code §7071(c)(5)

Quantity Owned/Sought: 510 Packbot Fastac, 1 owned

Lifespan: Approximately 15 years

Purpose/Capabilities/Description:

- Deliver Crisis Negotiation Phone, open doors, disrupt packages
- Vehicles are capable of being remotely navigated to provide scene information and intelligence in the form of video and still images transmitted to first responders.
- Gain visual/audio data and remotely clear buildings and structure
- Unmanned robotics have numerous applications and are used instead of personnel in high-risk environments to increase safety for law enforcement

Fiscal Impacts: None. Equipment obtained free of cost via the 10-33 federal program. Ongoing cost associated with the operation of remotely piloted, powered ground vehicles and maintenance is estimated to be approximately \$200 per year.

Legal/Procedural Rules Governing Use: The use of unmanned, remotely piloted, powered ground vehicles potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to all applicable privacy laws and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure).

Training Required: The Southwest Cities SWAT Team provides internal training for staff members prior to allowing them to pilot these vehicles.

3. Armored vehicles with breaching or entry apparatus attachable - CA Gov't Code §7071(c)(2)

Quantity Owned/Sought: LENCO BEAR-CAT, 1 owned

Lifespan: Approximately 25 years

Purpose/Capabilities/Description:

- LENCO Ballistic Engineered Armored Response Counter-Attack Truck (BEAR-CAT). The BEAR-CAT, or rescue vehicles, are primarily used during high-risk tactical enforcement operations, officer rescues, and vehicle borne interventions. Additional deployments are used during criminal unrest and riots. Rescue vehicles provide ballistic safety during containment and apprehension of armed violent suspects.

- Rescue vehicle for on-campus active shooter incidents to rescue injured victims.
- 4X4 capability to transport or evacuate victims in floods, fires, or other natural disasters.
- Rescue vehicles provide numerous safety capabilities for law enforcement, victim rescues, and overall community safety.
- BEAR-CAT vehicles have attachable metal booms that can be used for breaching structures, fences, or ramming objects during high-risk incidents, to include active shooter incidents on school grounds or buildings.

Fiscal Impacts: Initial cost \$238,000. Annual maintenance cost approximately \$2,000.

Legal/Procedural Rules Governing Use: Use shall be in accordance with California State law regarding the operation of motor vehicles.

Training Required: The Southwest Cities SWAT Team provides internal training for staff members prior to allowing them to operate these vehicles. The officers are trained in vehicle operation, equipment use, and driving.

4. Semiautomatic Rifles and Ammunition - CA Gov't Code §7071(c)(9) - defined under PC 30510 & PC 30515

Quantity Owned/Sought: Smith & Wesson M&P, 78 owned

Lifespan: Approximately 15 years

Purpose/Capabilities/Description:

- The Smith & Wesson M&P semiautomatic rifle can fire a 5.56mm projectile bullet.
- Inventory includes AR-15 style rifles that function at semi-automatic capability.
- Increased accuracy and precision at long-range distance to address a threat, if present and feasible.
- Currently used by most law enforcement agencies across the nation.
- Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed.

Fiscal Impacts: The initial cost of AR-15 style rifles are approximately \$1,000-\$1,200 each. The ongoing costs for ammunition will vary and maintenance is conducted by departmental staff.

Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Menifee Police Department Policies on Use of Force and Firearms.

Training Required: Officers must successfully complete a CA POST certified 24-hour patrol rifle course as well as regular department firearms training and qualifications as required by law and policy.

5. Diversionary Devices - CA Gov't Code §7071(c)(12)

Quantity Owned/Sought: DEFTECH Low Roll, 30 owned

Lifespan: 5 years

Purpose/Capabilities/Description:

- Light Sound Diversionary Device (LSDD- “Flashbangs”) are used to minimize risk to all parties through the temporary distraction or disorientation of armed and violent suspects that pose significant danger to law enforcement personnel and community.
- The effects of the LSDD reduce a suspect’s reactionary capabilities and allow for momentary disorientation which creates a tactical advantage. LSDD is a hand delivered device and generally deployed on the exterior of structures
- Provides a humane fright to aggressive dogs that pose a threat to law enforcement personnel
- A diversionary device is ideal for distracting dangerous suspects during assaults, hostage rescue, room entry or other high-risk arrest situations.

Fiscal Impact: Initial cost per item \$68.00. No annual maintenance cost.

Legal/Procedural Rules Governing Use: Menifee Police Department Policy is to utilize diversionary devices only for official law enforcement purposes and pursuant to State and Federal law regarding use of force.

Training Required: The Southwest Cities SWAT Team provides internal training by POST certified instructors for staff members prior to allowing them to use any of these items.

6. Chemical Agents and Smoke canisters - CA Gov't Code §7071(c)(12)

Quantity Owned/Sought: DEFTECH OC & Smoke Canisters, 110 owned

Lifespan: 5 years

Purpose/Capabilities/Description:

- To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.
- Chemical agents are deployed through various means to include hand delivery and weapon launchable, such as pepper ball. Munitions are 40mm caliber, shotgun ferret rounds or canister shotgun launched

ordinance. Hand delivered chemical agents are placed in metal burn boxes to reduce fire hazards

- May be used for dangerous and/or combative subjects, riot/crowd control and civil unrest incidents, circumstances where a tactical advantage may be gained, potentially viscous animals, training exercises or approved demonstrations, circumstances where a tactical advantage can be obtained.

Fiscal Impact: Initial cost per item \$50. No annual maintenance cost.

Legal/Procedural Rules Governing Use: Menifee Police Department policy is to utilize chemical agents only for official law enforcement purposes and pursuant to State and Federal law regarding use of force.

Training Required: Southwest Cities SWAT team less than lethal and chemical agent instructors, provide internal POST certified training for staff members prior to allowing them to utilize chemical agent canisters.

7. 40mm Less Than Lethal Launchers and Kinetic Energy Munition - CA Gov't Code §7071(c)(10)

Quantity Owned/Sought: Defense Technology 40mm LMTS single launcher, 4 owned, 10 sought

Lifespan: Approximately 15 years

Purpose/Capabilities/Description:

- The 40mm less than lethal Launchers and Kinetic Energy Munitions are intended for use as a less than lethal use of force option.
- Less than lethal 40mm launchers and rubber projectile munitions are configured for high and low energy impact. Munitions have the additional benefit as a barrier round for breaking vehicle and residential glass so that chemical munitions can be deployed.
- 40mm less than lethal launchers have been effective in disarming violent suspects, armed suspects, and subjects who are suicidal with minimal injury and risk to the person, law enforcement or the public.
- 40mm less than lethal launchers are light weight, versatile and used worldwide by police and corrections officers.
- The 40MM launcher family of products is available in single-shot, spring-advance multi, and pump-advance multi-versions.

Fiscal Impacts: The initial cost of each 40mm launcher was \$1,200. The ongoing costs for munitions will vary and maintenance is conducted by departmental staff.

Legal/Procedural Rules Governing Use: Menifee Police Department policy is to utilize less than lethal launchers and kinetic energy munitions

only for official law enforcement purposes and pursuant to State and Federal law regarding use of force.

Training Required: Officers must complete a POST certified 40mm course, as well as regular training and qualifications as required by law and policy. Various Menifee Police Department policies on Use of Force and Crowd Control.

8. Less Than Lethal bean bag launchers (shotguns) - CA Gov't Code §7071(c)(10)

Quantity Owned/Sought: 12-gauge Remington 870 shotguns, 15 owned

Lifespan: 25 years

Purpose/Capabilities/Description:

- To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.
- Less than lethal bean bags are deployed through a marked, blue colored easily identifiable less than lethal shotgun. The bean bag is a small led pellet filled munition made of high-density cloth. The bean bag is the predecessor to the 40mm less than lethal launcher, having similar benefits as other less than lethal platforms

Authorized Use: Situations for use of the less than lethal weapon systems may include, but are not limited to: Self-destructive, dangerous and/or combative individuals, riot/crowd control and civil unrest incidents, circumstances where a tactical advantage can be obtained, potentially vicious animals.

Fiscal Impact: The initial cost of each 12-gauge Remington 870 shotgun is approximately \$435.00. Annual maintenance is approximately \$50 for each shotgun

Legal/Procedural Rules Governing Use: Menifee Police Department personnel utilize the less lethal shotgun only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force

Training Required: All officers are trained in the 12 gauge less than lethal shotgun, as a less than lethal option, by POST certified in-service and police academy training.

Section Two: Specialized Equipment Inventory known to be owned and/or utilized by law enforcement agencies with which the Menifee Police Department collaborates with and/or may require assistance from, in a mutual-aid situation for law enforcement services.

1. Mine Resistant Ambush Protected Vehicle (MRAP) - CA Gov't Code §7071(c)(2)

Quantity Owned/Sought: None

Lifespan: Unknown

Purpose/Capabilities/Description: The MRAP is a large ballistic armored rescue vehicle deployed during search warrant services and primarily in open desert areas requiring extreme off-road capability. The MRAP is also used for large parcel outdoor illegal marijuana grow enforcement. Operation requires a Class "B" driver's license. Capable of transporting personnel and equipment while providing them with armored protection from gunfire.

Fiscal Impacts: None. Equipment owned, maintained, and operated by another agency.

Legal/Procedural Rules Governing Use: The MRAP can be deployed any time tactical operators determine that there is a need to move personnel and/or resources into areas in which they have reason to expect potential armed resistance requiring its protection.

Training Required: None, Equipment owned, maintained, and operated by another agency.

2. Armored Vehicles with breaching or entry apparatus or water cannon- CA Gov't Code §7071(c)(2)

Quantity Owned/Sought: None

Lifespan: Unknown

Purpose/Capabilities/Description:

- Lenco Ballistic Engineered Armored Response Counter-Attack Trucks (BEARCATS). The BEARCAT's are primarily used during high-risk tactical enforcement operations, officer rescues, and vehicle borne interventions. Additional deployments are used during criminal unrest and riots. Rescue vehicles provide ballistic safety during containment and apprehension of armed violent suspects
- Rescue vehicle for on-campus active shooter incidents to rescue injured victims
- 4X4 capability to transport or evacuate victims in a natural disaster

- BOMB-CAT bullet resistant rescue vehicle provisioned with a front mounted Water Cannon. BOMB-CAT use is for tactical operations and explosive ordinance mitigation and fire suppression
- Rescue vehicles provide numerous safety capabilities for law enforcement, victim rescues, and overall community safety
- TAC-CAT vehicle- A tracked bullet resistant caterpillar tractor driven and deployed during high-risk and tactical operations, with various hydraulic boom attachments including claw, chemical agent dispersal box and ram extension

Fiscal Impacts: None. Equipment owned, maintained, and operated by another agency.

Legal/Procedural Rules Governing Use: Use shall be in accordance with California State law regarding the operation of motor vehicles.

Training Required: None, Equipment owned, maintained, and operated by another agency.

3. Long Range Acoustic Device (LRAD) - CA Gov't Code §7071(c)(13)

Quantity Owned/Sought: None

Lifespan: Unknown

Purpose/Capabilities/Description: LRAD is an acoustic hailing device used for emitting amplified public announcements during search warrant services, barricaded suspects, or tactical operations. The loud audible technology ensures broadcasted announcements are loud and clear while offering advantages over less amplified patrol car PA systems. The larger LRAD 1000 system is portable and can be used for criminal unrest and rioting to provide clear dispersal orders for unlawful assembly. LRAD can also be used for any public announcements or safety advisements during natural disasters or evacuations

Fiscal Impacts: None. Equipment owned, maintained, and operated by another agency.

Legal/Procedural Rules Governing Use: LRADs can only be deployed in accordance with all applicable State, Federal and Local laws governing police use of force, crowd control, etc.

Training Required: None, Equipment owned, maintained, and operated by another agency.

4. Explosive breaching tools - CA Gov't Code §7071(c)(12)

Quantity Owned/Sought: None

Lifespan: Unknown

Purpose/Capabilities/Description: Explosive breaching tools are used to breach fortified structures to establish a point of entry. Explosive charges are fashioned to produce little to no fragmentation at the time of detonation. Explosive breaching effectively reduces the time spent overcoming a fortified door or structure. The reduction in time mitigating a hardened structure increasing officer safety and the element of surprise. Blast injuries are reduced by using low yield explosives that mechanically overcome door frames and locking mechanisms. Explosive breaching mandates extensive schooling and certification processes

Fiscal Impacts: None. Equipment owned, maintained, and operated by another agency.

Legal/Procedural Rules Governing Use: Diversionary devices and explosive breaching tools are only for official law enforcement purposes and pursuant to State and Federal law regarding use of force.

Training Required: None, Equipment owned, maintained, and operated by another agency.

5. Non-handheld battering rams, slugs and breaching equipment apparatuses that are explosive in nature - CA Gov't Code §7071(c)(7)

Quantity Owned/Sought: None

Lifespan: Unknown

Purpose/Capabilities/Description: Explosive breaching tools are used to breach fortified structures to establish a point of entry. Explosive charges are fashioned to produce little to no fragmentation at the time of detonation. Explosive breaching effectively reduces the time spent overcoming a fortified door or structure. The reduction in time mitigating a hardened structure increasing officer safety and the element of surprise. Blast injuries are reduced by using low yield explosives that mechanically overcome door frames and locking mechanisms. Explosive breaching mandates extensive schooling and certification processes

Avon frangible shotgun ammunition is used to breach doors and points of entry on fortified doors or structures. The rounds are used to impact door hinges, doorknobs, and locks.

Fiscal Impacts: None. Equipment owned, maintained, and operated by another agency.

Legal/Procedural Rules Governing Use: Diversionary devices and explosive breaching tools are only for official law enforcement purposes and pursuant to State and Federal law regarding use of force.

Training Required: None, Equipment owned, maintained, and operated by another agency.

6. Command and Control Vehicles used to facilitate the operational control and direction of public safety units – CA Gov't Code §7071(c)(4)

Quantity Owned/Sought: None

Lifespan: 20-year lifespan on chassis and vehicle structure. Upgrades needed every 5-7 years to maintain IT systems.

Purpose/Capabilities/Description: Command vehicles are built in various platforms to include ½ ton pickup chassis, vans, trailers, and RV style configurations. Vehicles are built to better assist in command and control during law enforcement operations, natural disasters, and public safety issues. Vehicles are designed with additional communication abilities, computers, white boards, lightening, generators, and mission essential supplies.

Fiscal Impact: None. Equipment owned, maintained, and operated by another agency.

Legal/Procedural Rules Governing Use: Use shall be in accordance with California State law regarding the operation of motor vehicles.

Training Required: Members of the Southwest Cities SWAT and CNT teams conduct routine training in the operation and use of shared command and control vehicles, which are owned by the Murrieta and Hemet police departments.

Pursuant to California Government Code §7071(d)(6), members of the public may register complaints, concerns, or submit questions about the use of each specific type of Military Equipment in this policy by any of the following means:

1. Via email to: militaryequipmentcoordinator@menifeepolice.org
2. Via phone call to: (951) 723-1583
3. Via mail sent to: Menifee Police Department Attn: Military Equipment Use Coordinator: 29714 Haun Rd; Menifee, CA 92586

The Menifee Police Department is committed to responding to complaints, concerns and/or questions regarding its Military Equipment in a timely manner.